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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,653	03/05/2002	Robert C. Guy	020375-004900US	9166

20350 7590 10/12/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,653

Applicant(s)

GUY ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment, filed on 07/09/2004.
2. Claims 1-23 are pending.
3. The rejection to claims 1-23 under 35 U.S.C. 102 (b) as being anticipated by Pickering 445" and Pickering 965" as set forth in the Office action mailed on 5/27/2004 is maintained.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-23 are rejected under 35 U.S.C. 102 (b) as being anticipated by Pickering (U.S. Pat. No. 5,483,445).

As per claims 1, and 3-23 Pickering discloses an automated system/method for consolidating a plurality of individual company charges for a customer with different periodic company billing and payment due dates, comprising:

A database for storing a customer ID associated with each customer, an account ID associated with each account, and a presentation ID associated with each presentation instrument, the database structured for relating each presentation ID to a specific customer and to one account used by that specific customer (see., abstract, Figs 6 and 7 or database that stores summary of customer's account, col 13, lines 9-67, col 14, lines 1-67, please note that customer ID, account ID, and presentation ID are

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interpreted as customer telephone number, customer's account number, and customer's name or customer's social security see ., fig 7); and

A database management system for managing the data stored in the database and for posting transaction data to any account in response to receiving a presentation ID with such transaction data, the presentation ID being used by the data management system to access the account and thereby reflect that the transaction has been conducted for the account, the presentation instrument presented by the customer to a merchant in order to conduct a transaction (see., col 13, lines 9-67, col 14, lines 1-67, Applicant's newly added limitation is also disclosed by Pickering. Please note that customer ID, account ID, and presentation ID are interpreted as customer telephone number, customer's account number, and customer's name or customer's social security for conducting or performing merchant and customer transactions).

As per claim 2, Pickering discloses the claimed limitation wherein the customer ID is permanent and does not appear on the presentation instrument as the presentation ID, so that if the presentation instrument is no longer useable, a new presentation ID may be issued and the new presentation ID related to the permanent customer ID in the database (see., fig 7, please note that the customer's social security or Id does not appear on the summary of account).

5. Claims 1-23 are rejected under 35 U.S.C. 102 (b) as being anticipated by Pickering (U.S. pat. No. 5,684,965).

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As per claims 1, and 3-23 Pickering discloses an automated system/method for consolidating a plurality of individual company charges for a customer with different periodic company billing and payment due dates, comprising:

A database for storing a customer ID associated with each customer, an account ID associated with each account, and a presentation ID associated with each presentation instrument, the database structured for relating each presentation ID to a specific customer and to one account used by that specific customer (see., abstract, Figs 3 and 4 or database that stores summary of customer's account, col 4, lines 30-67, col 5, lines 1-67, please note that customer ID, account ID, and presentation ID are interpreted as customer telephone number, customer's account number, and customer's name or customer's social security see., fig 7); and

A database management system for managing the data stored in the database and for posting transaction data to any account in response to receiving a presentation ID with such transaction data, the presentation ID being used by the data management system to access the account and thereby reflect that the transaction has been conducted for the account, the presentation instrument presented by the customer to a merchant in order to conduct a transaction (see., col 13, lines 9-67, col 14, lines 1-67, Applicant's newly added limitation is also disclosed by Pickering. Please note that customer ID, account ID, and presentation ID are interpreted as customer telephone number, customer's account number, and customer's name or customer's social security for conducting or performing merchant and customer transactions (see., abstract, fig 4, col 4, lines 30-67).

As per claim 2, Pickering discloses the claimed limitation wherein the customer ID is permanent and does not appear on the presentation instrument as the presentation ID, so that if the presentation instrument is no longer useable, a new presentation ID may be issued and the new presentation ID related to the permanent customer ID in the database (see., fig 4, please note that the customer's social security or Id does not appear on the summary of account).

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 07/09/2004 have been fully considered but they are not persuasive. Necessitated by Amendment filed on 07/09/2004.

Remarks

7. In response to Applicant's arguments, Applicant argues that the prior art of record taken alone or in combination fails to anticipate or render obvious the recited feature:

a. Applicant argues that Applicant's invention has advantages, such as when a presentation instrument credit card is lost or stolen. The card and card number may be replaced without having to close the account. However, the Examiner respectfully disagrees since this limitation is not in the claims, and therefore, Applicant's argument is moot.

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b. The Examiner appears to interpret as the customer ID of Applicant's invention, it is a utility company telephone number and not a customer. As indicated above, it is believed that Pickering discloses this limitation in the abstract, Figs 3 and 4 or database that stores summary of customer's account, col 4, lines 30-67, col 5, lines 1-67, please note that customer ID, account ID, and presentation ID are interpreted as customer telephone number, customer's account number, and customer's name or customer's social security see., fig 7). Applicant should note that a customer's account number is a customer ID.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

October 06, 2004